

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

FILED

UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

FEB 25 2010



DENNIS SISNEROS,

Plaintiff,

MATTHEW J. DYKMAN
CLERK

vs.

No. CIV 09-0213 JB/ACT

MICHAEL FISHER, in his individual capacity,
and THE COUNTY OF BERNALILLO,

Defendants.

JURY INSTRUCTION NO. 11A
(with citations)

JURY INSTRUCTION NO. 11A

Under the Fourth Amendment, the scope of any seizure must be carefully tailored to its underlying justification. If an officer has reasonable suspicion or probable cause to detain or arrest a person, he may only continue to detain or arrest that person if he has reasonable suspicion or probable cause to do so.

Parties' Proposed Instruction

Florida v. Royer, 460 U.S. 491, 500 (1983)

U.S. v. Brignoni-Ponce, 422 U.S. 873, 881 (1975)

U.S. v. Cheromiah, 455 F.3d 1216, 1222 (10th Cir. 2006)

U.S. v. Millan-Diaz, 975 F.2d 720, 721-22 (10th Cir. 1992)

U.S. v. Bell, 892 F.2d 959, 966-67 (10th Cir. 1989)